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Filing date: **07/03/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209807
Party	Defendant Tandy Leather Factory, Inc.
Correspondence Address	JEFFREY M BECKER HAYNES AND BOONE LLP 2323 VICTORY AVE STE 700 DALLAS, TX 75219-7673 UNITED STATES ipdocketing@haynesboone.com, jeff.becker@haynesboone.com
Submission	Opposition/Response to Motion
Filer's Name	Jeffrey M. Becker
Filer's e-mail	jeff.becker@haynesboone.com
Signature	/Jeffrey M. Becker/
Date	07/03/2013
Attachments	Response to Motion for Suspension.pdf(329867 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KCD IP, LLC *et al.*
Opposer,

v.

Tandy Leather Factory, Inc.
Applicant.

§
§ Opposition No. 91209807
§
§ Mark: CRAFTSMAN
§
§ Serial No. 85/590,913
§

APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR SUSPENSION

Applicant, Tandy Leather Factory, Inc. ("Tandy" or "Applicant"), by its attorneys, hereby responds and objects to Opposer's Motion for Suspension filed earlier today. Applicant does not want to have this proceeding suspended as it no longer believes that Opposer is negotiating to settle this matter in good faith.

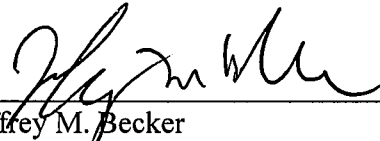
In its Motion, Opposer states that "the parties request that this proceeding be suspended" and that "[t]he parties request this deadline be extended." However, as evidenced by the attached e-mail thread that took place this morning between Applicant's and Opposer's respective attorneys prior to Opposer filing its Motion, Applicant does not wish this proceeding to be suspended or delayed and explicitly stated so to Opposer's counsel. As shown in the attached e-mail thread, Opposer's attorney stated, "it is clear that the parties have resolved their dispute" but "[p]lease let us know immediately if you disagree so that Sears may file a motion to suspend with the Board (and, if so, **whether Tandy consents to such a motion**)."

In response, Applicant's attorney stated, "**I disagree**" and "[c]ounter to your below statement, **the parties have not resolved the dispute** and will not have until we receive a signed copy of a settlement agreement with agreed to language, and based on Sears' repeated delays and repeated changes to the terms after I thought we had reached agreement, **Tandy does not consent to any additional extensions or suspensions in connection with the Opposition**, and expressly rejects all prior drafts of the agreement." Amazingly, Opposer then filed the present Motion for Suspension stating that it was being filed on behalf of both parties.

Applicant requests that the Board deny Opposer's Motion for Suspension, and that no modification to the initial scheduling order in this case be made.

Respectfully submitted,

Date: July 3, 2013



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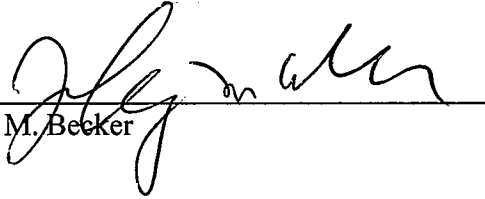
Mark: CRAFTSMAN

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of July, 2013, a copy of the foregoing *Applicant's Response to Opposer's Motion for Suspension* was served on Opposer, in the manner indicated below:

Ronald H. Spuhler via e-mail to RSPULER@mcandrews-ip.com and trademarks@mcandrews-ip.com



Jeffrey M. Becker

Becker, Jeffrey M.

From: Hank (Ronald) Spuhler <RSPUHLER@mcandrews-ip.com>
Sent: Wednesday, July 03, 2013 12:36 PM
To: Becker, Jeffrey M.
Cc: Guy Barcelona
Subject: RE: Tandy
Attachments: Motion to Suspend 7-3-13.pdf

Jeff, thanks for the clarification.

I remain hopeful that the parties will be able to wrap this up once and for all, and will discuss this issue once our contact is back in the office. In the meantime, attached please find a motion to suspend, which we filed with the Board this afternoon.

I will be back in the office on Monday if there is anything that we need to discuss.

Have a good holiday.

Hank



Ronald H. Spuhler
Board Member/Shareholder
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From: Jeff.Becker@haynesboone.com [mailto:Jeff.Becker@haynesboone.com]
Sent: Wednesday, July 03, 2013 11:48 AM
To: Hank (Ronald) Spuhler
Cc: Guy Barcelona
Subject: RE: Tandy

I disagree. I intended there to be a difference, [REDACTED]

[REDACTED]

Counter to your below statement, the parties have not resolved the dispute and will not have until we receive a signed copy of a settlement agreement with agreed to language, and based on Sears' repeated delays and repeated changes to

the terms after I thought we had reached agreement, Tandy does not consent to any additional extensions or suspensions in connection with the Opposition, and expressly rejects all prior drafts of the agreement .

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From: Hank (Ronald) Spuhler [mailto:RSPUHLER@mcandrews-ip.com]

Sent: Wednesday, July 03, 2013 11:14 AM

To: Becker, Jeffrey M.

Cc: Guy Barcelona

Subject: RE: Tandy

Jeff

As a follow-up

[REDACTED]

While it is not clear which option Tandy will choose, it is clear that the parties have resolved their dispute, and thus, Sears does not intend to serve its initial disclosures today. Sears reserves the right to provide such information in the unlikely event that this opposition proceeds. Please let us know immediately if you disagree so that Sears may file a motion to suspend with the Board (and, if so, whether Tandy consents to such a motion).

I am available on my cell if you would like to discuss this issue further.

Hank



mcandrews

McANDREWS HELD & MALLOY LTD

Ronald H. Spuhler

Board Member/Shareholder

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